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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,709	06/18/2001	Mikael Floven	209807US	7944
22850	7590	04/23/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BELL, MELTIN	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 04/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,709

Applicant(s)

FLOVEN ET AL.

Examiner

Meltin Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 12-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 60/212,363.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/10-29-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to application **09/881,709** filed 06/18/01.

Claims 1-30 have been examined.

Priority

Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

Acknowledgment is made of applicant's claim for foreign priority based on applications 0002315-0 and 0100564-4 filed in Sweden on 6/19/00 and 2/19/01, respectively . It is noted, however, that applicant has not filed a certified copy of either Swedish application as required by 35 U.S.C. 119(b).

Applicant's claim for domestic priority against application number 60/212,363 filed **6/19/00** under 35 U.S.C. 119(e) is acknowledged.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It was not executed in accordance with either 37 CFR 1.66 or 1.68. The signature date for the first inventor is illegible.

Information Disclosure Statement

Applicant is respectfully reminded of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's application or thereafter.

The information disclosure statement filed 10/29/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- A copy of USPN 5,909,589 identified on page 1, line 35 of the specification has not been provided nor listed on the IDS.

It has been placed in the application file. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities:

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1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of 'said' and 'means'

language, as well as a reference to Fig. 3. Correction is required. See MPEP

§ 608.01(b).

3. Claims 12-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim, such as claims 8-10. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

4. The meaning of 'tuition' on page 2, line 6 and page 3, line 7, is unclear.

5. Page 4, lines 13-16, doesn't explain other components connecting subject database 4 to communications network 2.

6. "e.g. to give, in dependence of user questions and information from the subject database, adequate answers or information to the users" on page 4, lines 28-30, would read well as "e.g. giving adequate answers or information to user questions and information from the subject database"

7. "e.g." should be removed on page 10, line 20.
8. "whilst" on page 11, line 35 would read well as "while"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 11 and 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cook et al* U.S. Int'l Pub. # WO 97/44766 (November 27, 1997).

Regarding claim 1:

Cook et al teaches,

- an apparatus comprising means representing a software-based service, said apparatus being arranged in a (page 67, lines 16-31, "The ABI system...agent event messages")
- communications network, to which a user can connect by means of a (page 1, lines 5-8, "This invention relates...network connected computers"; Fig. 2A, item 222; Fig. 2B, item 233; Fig. 6, item 615; Fig. 7, item 705)
- user terminal in order to utilise said service, and to which apparatus a (page 7, lines 24-27, "The agent exercises...particular instructional materials")

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- first database can be connected, said database being arranged for storage of data relating to said service, characterised by said apparatus comprising processing means devised to process and convey data from the first database to the user, registration means, devised to register transactions performed by the user within said service, and to store transaction data in a second database comprised in the apparatus, said processing means being arranged to adapt said service to said user in dependence of transactions stored in said second database relating to said user (Abstract, sentences 1-4, "This invention relates... of the student"; page 8, lines 30-32, "the student data... student data privacy"; page 12, lines 3-21, "An object of... oriented database system"; page 35, lines 2-10, "before allowing downloaded... common server systems"; Figs. 2A-B)

Regarding claim 2:

Cook et al further teaches,

- said apparatus comprises administration means, adapted for configuring said service to said user, said administration means being adjustable from said user terminal (page 12, lines 3-21, "An object of... oriented database system")

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Regarding claim 3:

Cook et al further teaches,

- identification means, adapted for identification of said user to said apparatus (page 33, lines 1-15, "In the preferred embodiment...level network protocols")

Regarding claim 4:

Cook et al further teaches,

- said service is a program for training, knowledge maintenance and for offering knowledge support relating to a given subject, said first database being a subject database in which information within said subject is stored, and said second database being a user-specific knowledge database in which data related to the knowledge level of the user is stored (page 113, lines 1-34, 'The standardization of...fractions," for example')

Regarding claim 5

Cook et al further teaches,

- said processing means is arranged to perform, within said service, various actions, including sending questions, answers or examinations within said subject to said user, or receiving questions or answers within said subject from said user, the processing means being arranged to adapt the degree of difficulty of such questions and examinations in dependence of data registered in said knowledge database for said user (page 113, lines 1-34, 'The standardization of...fractions," for example')

Regarding claim 6:

Cook et al further teaches,

- said registration means is arranged for registering all the transactions performed by the user within the service, and wherein, for a specific stage within said subject, the processing means is arranged to investigate data stored in the knowledge database regarding this stage, and to adapt the action accordingly (Figs. 10A-B, 11)

Regarding claim 7:

Cook et al further teaches,

- said registration means is arranged to detect errors in answers from the user, and to register information about said errors in the knowledge database, whereby said processing means is arranged to design said training program in dependence of information stored in the knowledge database (Figs. 3-5, 10A-B, 11)

Regarding claim 9:

Cook et al further teaches,

- said processing means of said training program is arranged to send questions to said user with a periodicity dependent of information stored in the knowledge base (page 22, lines 33-37, "An example of...student. Exemplary coaching"; page 23, lines 1-6, "parameters include the...of its student"; page 59, lines 35-37, "some display is...current tasks. For"; page 60, lines 1-9, "example, the system...or administrative staff")

Regarding claim 11:

The rejection of claim 5 is incorporated. Therefore, claim 11 is rejected under the same rationale as claim 5.

Regarding claim 23:

Cook et al further teaches,

- the user sending first data to said apparatus (Fig. 12)
- information related to said first data being registered in a second database (Abstract, sentences 1-4, "This invention relates... of the student"; page 8, lines 30-32, "the student data... student data privacy"; page 12, lines 3-21, "An object of... oriented database system"; page 35, lines 2-10, "before allowing downloaded... common server systems"; Figs. 2A-B)
- the apparatus processing second data from said first database in dependence of said first data from said second database (page 67, lines 16-31, "The ABI system... agent event messages"; Figs. 12, 5)
- the apparatus sending said processed second data back to said user (Figs. 12, 5)

Regarding claim 24:

The rejection of claim 23 is incorporated. Therefore, claim 24 is rejected under the same rationale as claim 23.

Regarding claim 25:

Cook et al further teaches,

- data representing a predetermined knowledge level are stored in said knowledge database (page 34, lines 17-34, "The ABI system... and so forth")

Regarding claim 26:

The rejection of claim 25 is incorporated. Therefore, claim 26 is rejected under the same rationale as claim 25.

Regarding claim 27:

Cook et al further teaches,

- the apparatus adapts the periodicity for sending the question in said second data in dependence of said first data (page 22, lines 33-37, "An example of... student.

Exemplary coaching"; page 23, lines 1-6, "parameters include the... of its student"; page 59, lines 35-37, "some display is... current tasks. For"; page 60, lines 1-9, "example, the system... or administrative staff")

Regarding claim 28:

Cook et al further teaches,

- the user configures, via said user terminal, the apparatus for individual adaptation of said service (page 9, lines 22-23, "This display is... the system administrator")

Regarding claim 29:

Cook et al further teaches,

- said apparatus registers all transactions performed by the user within the service (Figs. 10A-B, 11)

Regarding claim 30:

Cook et al further teaches,

- said registration means detects errors in answers or statements from the user, and registers information about said errors in the knowledge database (Figs. 3-5, 10A-B, 11)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cook et al* U.S. Int'l Pub. # WO 97/44766 (November 27, 1997) in view of *Lazar et al* "MAGNET: Columbia's Integrated Network Testbed" (November 1985) in further view of *Bertrand et al* USPN 6,085,184 (July 4, 2000) and further in view of *Schmidt et al* "Interactive posters: WAP: designing for small user interfaces" (April 2000).

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Regarding claim 8:

Cook et al teaches,

- an apparatus comprising means representing a software-based service, said apparatus being arranged in a (page 67, lines 16-31, "The ABI system...agent event messages")
- communications network, to which a user can connect by means of a (page 1, lines 5-8, "This invention relates...network connected computers"; Fig. 2A, item 222; Fig. 2B, item 233; Fig. 6, item 615; Fig. 7, item 705)
- user terminal in order to utilise said service, and to which apparatus a (page 7, lines 24-27, "The agent exercises...particular instructional materials")
- first database can be connected, said database being arranged for storage of data relating to said service, characterised by said apparatus comprising processing means devised to process and convey data from the first database to the user, registration means, devised to register transactions performed by the user within said service, and to store transaction data in a second database comprised in the apparatus, said processing means being arranged to adapt said service to said user in dependence of transactions stored in said second database relating to said user (Abstract, sentences 1-4, "This invention relates...of the student"; page 8, lines 30-32, "the student data...student data privacy"; page 12, lines 3-21, "An object of...oriented database system"; page 35, lines 2-10, "before allowing downloaded...common server systems"; Figs. 2A-B)

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- said apparatus comprises administration means, adapted for configuring said service to said user, said administration means being adjustable from said user terminal (page 12, lines 3-21, "An object of...oriented database system")
- identification means, adapted for identification of said user to said apparatus (page 33, lines 1-15, "In the preferred embodiment... level network protocols")
- said service is a program for training, knowledge maintenance and for offering knowledge support relating to a given subject, said first database being a subject database in which information within said subject is stored, and said second database being a user-specific knowledge database in which data related to the knowledge level of the user is stored (page 113, lines 1-34, 'The standardization of...fractions," for example')
- said processing means is arranged to perform, within said service, various actions, including sending questions, answers or examinations within said subject to said user, or receiving questions or answers within said subject from said user, the processing means being arranged to adapt the degree of difficulty of such questions and examinations in dependence of data registered in said knowledge database for said user (page 113, lines 1-34, 'The standardization of...fractions," for example')
- said registration means is arranged for registering all the transactions performed by the user within the service, and wherein, for a specific stage within said subject, the processing means is arranged to investigate data stored in the knowledge database regarding this stage, and to adapt the action accordingly (Figs. 10A-B, 11)

- said registration means is arranged to detect errors in answers from the user, and to register information about said errors in the knowledge database, whereby said processing means is arranged to design said training program in dependence of information stored in the knowledge database (Figs. 3-5, 10A-B, 11)

- periodicity based on user responses (page 22, lines 33-37, "An example of... student. Exemplary coaching"; page 23, lines 1-6, "parameters include the... of its student"; page 59, lines 35-37, "some display is... current tasks. For"; page 60, lines 1-9, "example, the system... or administrative staff")

However, *Cook et al* doesn't explicitly teach said processing means of said training program is arranged to send questions to said user with a periodicity defined by the user in said administration means while *Lazar et al* teaches,

- said processing means of said training program is arranged to send questions to said user with a periodicity defined by the user in said administration means (page 863, Fig. 3; page 863, left column, first paragraph, "Zero-Cycle, or Random... resource is available")

Bertrand et al teaches,

- said processing means of said training program is arranged to send questions to said user with a periodicity defined by the user in said administration means (Abstract, "A system is... presentation tailored information")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

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- Optimal problem solving (*Bertrand et al*, column 1, lines 66-67, “The system provides...a business opportunity”; column 2, line 1, “to understand and solve optimally”)
- Determining an optimal priority mechanism (*Lazar et al*, Abstract, “Fundamental issues arising...an Expert System”)
- Individualized instruction (*Cook et al*, Abstract, sentence 1, “This invention relates...computer assisted instruction”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine *Cook et al* with *Lazar et al* to obtain the invention specified in claim 8, a system for individually adapted interactive training, knowledge maintenance and for offering knowledge support. The modification would have been obvious because one of ordinary skill in the art would have been motivated to personalize processing priorities.

Regarding claim 10:

Cook et al teaches,

- an apparatus comprising means representing a software-based service, said apparatus being arranged in a (page 67, lines 16-31, “The ABI system...agent event messages”)
- communications network, to which a user can connect by means of a (page 1, lines 5-8, “This invention relates...network connected computers”; Fig. 2A, item 222; Fig. 2B, item 233; Fig. 6, item 615; Fig. 7, item 705)

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- user terminal in order to utilise said service, and to which apparatus a (page 7, lines 24-27, "The agent exercises...particular instructional materials")
- first database can be connected, said database being arranged for storage of data relating to said service, characterised by said apparatus comprising processing means devised to process and convey data from the first database to the user, registration means, devised to register transactions performed by the user within said service, and to store transaction data in a second database comprised in the apparatus, said processing means being arranged to adapt said service to said user in dependence of transactions stored in said second database relating to said user (Abstract, sentences 1-4, "This invention relates...of the student"; page 8, lines 30-32, "the student data... student data privacy"; page 12, lines 3-21, "An object of...oriented database system"; page 35, lines 2-10, "before allowing downloaded...common server systems"; Figs. 2A-B)
- said apparatus comprises administration means, adapted for configuring said service to said user, said administration means being adjustable from said user terminal (page 12, lines 3-21, "An object of...oriented database system")
- identification means, adapted for identification of said user to said apparatus (page 33, lines 1-15, "In the preferred embodiment...level network protocols")
- said service is a program for training, knowledge maintenance and for offering knowledge support relating to a given subject, said first database being a subject database in which information within said subject is stored, and said second database being a user-specific knowledge database in which data related to the knowledge level

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of the user is stored (page 113, lines 1-34, 'The standardization of...fractions,' for example')

- said processing means is arranged to perform, within said service, various actions, including sending questions, answers or examinations within said subject to said user, or receiving questions or answers within said subject from said user, the processing means being arranged to adapt the degree of difficulty of such questions and examinations in dependence of data registered in said knowledge database for said user (page 113, lines 1-34, 'The standardization of...fractions,' for example')

- said registration means is arranged for registering all the transactions performed by the user within the service, and wherein, for a specific stage within said subject, the processing means is arranged to investigate data stored in the knowledge database regarding this stage, and to adapt the action accordingly (Figs. 10A-B, 11)

- said registration means is arranged to detect errors in answers from the user, and to register information about said errors in the knowledge database, whereby said processing means is arranged to design said training program in dependence of information stored in the knowledge database (Figs. 3-5, 10A-B, 11)

- periodicity based on user responses (page 22, lines 33-37, "An example of...student. Exemplary coaching"; page 23, lines 1-6, "parameters include the...of its student"; page 59, lines 35-37, "some display is...current tasks. For"; page 60, lines 1-9, "example, the system...or administrative staff")

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However, *Cook et al* doesn't explicitly teach said processing means of said training program is arranged to send questions to said user with a random periodicity while *Lazar et al* teaches,

- said processing means of said training program is arranged to send questions to said user with a random periodicity (page 863, Fig. 3; page 863, left column, first paragraph, "Zero-Cycle, or Random...resource is available")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining an optimal priority mechanism (*Lazar et al*, Abstract, "Fundamental issues arising...an Expert System")
- Individualized instruction (*Cook et al*, Abstract, sentence 1, "This invention relates...computer assisted instruction")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine *Cook et al* with *Lazar et al* to obtain the invention specified in claim 10, a system for individually adapted interactive training, knowledge maintenance and for offering knowledge support. The modification would have been obvious because one of ordinary skill in the art would have been motivated to personalize processing priorities.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Cook et al.*; WO 9744766 A1; AGENT BASED INSTRUCTION SYSTEM AND METHOD
- *Lazar et al.*; MAGNET: Columbia's Integrated Network Testbed; Selected Areas in Communications, IEEE Journal on; Vol. 3, Is. 6; November 1985; pp 859 - 871
- *Schmidt et al.*; Interactive posters: WAP: designing for small user interfaces; CHI '00 extended abstracts on Human factors in computing systems; April 2000
- *Bertrand et al.*; US 6085184 A; System, method and article of manufacture for a dynamic toolbar in a tutorial system
- *Cheng*; US 5487132 A; End user query facility
- *Tate et al.*; US 5499368 A; Scaled depiction of information from a database
- *Parker et al.*; US 5909589 A; User identity verifying apparatus for internet based training
- *Björk et al.*; WEST: a Web browser for small terminals; Proceedings of the 12th annual ACM symposium on User interface software and technology; November 1999
- *Rupf et al.*; User-separating demodulation for code-division multiple-access systems; Selected Areas in Communications, IEEE Journal on; Vol. 12, Is. 5; June 1994; pp 786 - 795

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Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 703-305-0362. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anil Khatri, can be reached on 703-305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Anthony Knight
Supervisory Patent Examiner
Group 3600

MB

